

NOTICE OF OBJECTION TO CONFIRMATION

U.S. BANK TRUST, N.A., AS TRUSTEE FOR LSF9 MASTER PARTICIPATION TRUST has filed papers with the Court to object to the Confirmation of the Chapter 13 Plan.

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)**

If you do not want the Court to object to the Confirmation of the Chapter 13 Plan, or if you want the Court to consider your views on the Objection, then on or before, you or your attorney must:

1. File with the Court an answer, explaining your position at:

**Clerk  
U.S. Bankruptcy Court  
50 Walnut Street, 3rd Floor  
Newark, NJ 07102**

If you mail your response to the Court for filing, you must mail it early enough so that the Court will *receive* it on or before the date stated above.

You must also mail a copy to:

Phelan Hallinan Diamond & Jones, PC  
400 Fellowship Road, Suite 100  
Mt. Laurel, NJ 08054

MARIE-ANN GREENBERG, Trustee  
30 TWO BRIDGES ROAD, SUITE 330  
FAIRFIELD, NJ 07004

2. Attend the hearing scheduled to be held on 04/27/2017 in the NEWARK Bankruptcy Court, at the following address:

**U.S. Bankruptcy Court  
50 Walnut Street, 3rd Floor  
Newark, NJ 07102**

If you or your attorney do not make these steps, the Court may decide that you do not oppose the relief sought in the Objection and may enter an Order granting that relief.

Date: May 9, 2017

/s/ Michael Dingerdissen  
Michael Dingerdissen, Esq.  
Phelan Hallinan Diamond & Jones, PC  
400 Fellowship Road, Suite 100  
Mt. Laurel, NJ 08054  
Tel: 856-813-5500 Ext. 31614  
Fax: 856-813-5501  
Email: michael.dingerdissen@phelanhallinan.com

**File No. 792432**

Phelan Hallinan Diamond & Jones, PC

400 Fellowship Road

Mt. Laurel, NJ 08054

856-813-5500

FAX Number 856-813-5501

U.S. BANK TRUST, N.A., AS TRUSTEE FOR LSF9 MASTER PARTICIPATION TRUST

In Re:

RICKEY L. CRUMBLEY

Debtor

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEW JERSEY  
NEWARK VICINAGE

Chapter 13

Case No. 17-13268 - JKS

Hearing Date: 04/27/2017

The undersigned, Phelan Hallinan Diamond & Jones, PC, attorneys for Secured Creditor, U.S. BANK TRUST, N.A., AS TRUSTEE FOR LSF9 MASTER PARTICIPATION TRUST, the holder of a Mortgage on debtor'S residence located at 121 SOUTH 14TH STREET, NEWARK, NJ 07107 hereby objects to the Confirmation of the debtor proposed Chapter 13 Plan on the following grounds:

1. Movant is U.S. BANK TRUST, N.A., AS TRUSTEE FOR LSF9 MASTER PARTICIPATION TRUST.
2. Debtor, RICKEY L. CRUMBLEY are the owners of the property located at 121 SOUTH 14TH STREET, NEWARK, NJ 07107.
3. Movant is in the process of drafting and filing a Proof of Claim. The approximate arrears are \$64,463.34.
4. Debtor's Plan does not provide for payment of arrears to Movant. Debtor's Plan provides for the Debtor's pursuit of a loan modification. Debtor's Plan is speculative in nature in that the Plan contemplates curing the arrears through a loan modification that has neither been offered nor approved. A copy of the Debtor's Plan is attached hereto as Exhibit "A" and made a part hereof.

5. Debtor's Plan fails to cure the delinquency pursuant to 11 U.S.C. §1322(b)(5).  
Movant objects to Debtor's Plan as it is underfunded.

6. Debtor's Plan should be amended to fully fund the arrears owed to Movant.  
Confirmation of Debtor's proposed Plan should be denied.

WHEREFORE, U.S. BANK TRUST, N.A., AS TRUSTEE FOR LSF9 MASTER  
PARTICIPATION TRUST respectfully requests that the Confirmation of Debtor's Plan be denied.

/s/ Michael Dingerdissen  
Michael Dingerdissen, Esq.  
Phelan Hallinan Diamond & Jones, PC  
400 Fellowship Road, Suite 100  
Mt. Laurel, NJ 08054  
Tel: 856-813-5500 Ext. 31614  
Fax: 856-813-5501  
Email: michael.dingerdissen@phelanhallinan.com

Dated: May 9, 2017

# **Exhibit “A”**

UNITED STATES BANKRUPTCY COURT  
District of New Jersey

IN RE: Rickey L. Crumbley

Case No.: \_\_\_\_\_  
Judge: \_\_\_\_\_  
Chapter: 13

Debtor(s)

CHAPTER 13 PLAN AND MOTIONS

- ☒ Original ☐ Modified/Notice Required ☒ Discharge Sought  
☐ Motions Included ☐ Modified/No Notice Required ☐ No Discharge Sought

Date: February 21,  
2017

THE DEBTOR HAS FILED FOR RELIEF UNDER  
CHAPTER 13 OF THE BANKRUPTCY CODE.

**YOUR RIGHTS WILL BE AFFECTED.**

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED  
IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN  
THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

**Part 1: Payment and Length of Plan**

- a. The Debtor shall pay 500.00 Monthly to the Chapter 13 Trustee, starting on March 1, 2017 for approximately 36 months.
- b. The Debtor shall make plan payments to the Trustee from the following sources:
- ☒ Future Earnings
  - ☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

- ☒ Sale of real property  
 Description: 184-186 Hawthorne Avenue, Newark, NJ 07112  
 Proposed date for completion: August 2017
- ☐ Refinance of real property  
 Description:  
 Proposed date for completion:
- ☒ Loan modification with respect to mortgage encumbering property  
 Description: Location: 121 South Street, Newark, NJ 07107  
 All Arrears will be put into the Loan Modification.  
 Proposed date for completion: August 2017

- d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.
- e. ☐ Other information that may be important relating to the payment and length of plan:

## Part 2: Adequate Protection

a. Adequate protection payments will be made in the amount of \$\_\_\_\_\_ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to \_\_\_\_\_ (creditor).

b. Adequate protection payments will be made in the amount of \$\_\_\_\_\_ to be paid directly by the debtor(s) outside of the Plan, pre-confirmation to \_\_\_\_\_ (creditor).

## Part 3: Priority Claims (Including Administrative Expenses)

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Russell L. Low 4745	Attorney Fees	2,500.00
Internal Revenue Services	Taxes and certain other debts	0.00

## Part 4: Secured Claims

### a. Curing Default and Maintaining Payments

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the Debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
City Ntl Bk/Ocwen Loan Service/Caliber H	121 South Street Newark, NJ 07107 Essex County Location: 121 South Street, Newark, NJ 07107	50,921.00	0.00	2,004.44	587.00

City of Newark	184-186 Hawthorne Ave. Newark, NJ 07112 Essex County Location: 184-186 Hawthorne Avenue, Newark, NJ 07112	104,935.26	18.00	5,553.97	916.47
Heartwood 55 LLC	184-186 Hawthorne Ave. Newark, NJ 07112 Essex County Location: 184-186 Hawthorne Avenue, Newark, NJ 07112	58,689.68	18.00	3,106.29	916.48
MTAG Cust Alterna Funding 1, LLC	184-186 Hawthorne Ave. Newark, NJ 07112 Essex County Location: 184-186 Hawthorne Avenue, Newark, NJ 07112	57,348.66	18.00	3,035.30	916.48

#### b. Modification

1.) The Debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

**NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.**

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to Be Paid
Bk Of Amer	121 South Street Newark, NJ 07107 Essex County Location: 121 South Street, Newark, NJ 07107	65,754.00	90,000.00	1st Mortgage City Ntl Bk/Ocwen Loan Service/Caliber H - 100,043.08	No value	N/A	0.00

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

#### c. Surrender

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
-NONE-			

#### d. Secured Claims Unaffected by the Plan

The following secured claims are unaffected by the Plan:

Creditor  
City of Newark  
Macwcp II, LLP

Shell Point

**e. Secured Claims to be paid in full through the Plan**

Creditor	Collateral	Total Amount to be Paid through the Plan
-NONE-		

**Part 5: Unsecured Claims**

a. **Not separately classified** Allowed non-priority unsecured claims shall be paid:

\_\_\_\_\_ Not less than \$\_\_\_\_\_ to be distributed *pro rata*

\_\_\_\_\_ Not less than \_\_\_\_\_ percent

☒ *Pro Rata* distribution from any remaining funds

b. **Separately Classified Unsecured Claims** shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
-NONE-			

**Part 6: Executory Contracts and Unexpired Leases**

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Nature of Contract or Lease	Treatment by Debtor
-NONE-		

**Part 7: Motions**

**NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, Notice of Chapter 13 Plan Transmittal, within the time and in the manner set forth in D.N.J. LBR 3015-1. A Certification of Service must be filed with the Clerk of Court when the plan and transmittal notice are served.**

a. **Motion to Avoid Liens under 11 U.S.C. Section 522(f).**

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
-NONE-							

b. **Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured.**

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified
Bk Of Amer	121 South Street Newark, NJ 07107 Essex County Location: 121 South Street, Newark, NJ 07107	65,754.00

c. **Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.**



Creditor	Collateral	Amount of Lien to be Reclassified
The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:		

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
-NONE-			

## Part 8: Other Plan Provisions

### a. Vesting of Property of the Estate

- ☒ Upon Confirmation  
☐ Upon Discharge

### b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

### c. Order of Distribution

The Trustee shall pay allowed claims in the following order:

- 1) Trustee Commissions
- 2) Other Administrative Claims
- 3) Secured Claims
- 4) Lease Arrearages
- 5) Priority Claims
- 6) General Unsecured Claims

### d. Post-petition claims

The Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

## Part 9 : Modification

If this plan modifies a plan previously filed in this case, complete the information below.

Date of Plan being modified: \_\_\_\_\_.

Explain below <b>why</b> the Plan is being modified.	Explain below <b>how</b> the Plan is being modified
--	---

Are Schedules I and J being filed simultaneously with this modified Plan? ☐ Yes ☐ No

## Part 10: Sign Here

The debtor(s) and the attorney for the debtor (if any) must sign this Plan.

Date February 21, 2017 /s/ Russell L. Low  
Russell L. Low 4745  
Attorney for the Debtor

I certify under penalty of perjury that the foregoing is true and correct.

Date: February 21, 2017 /s/ Rickey L. Crumbley  
Rickey L. Crumbley  
Debtor

Date: \_\_\_\_\_  
Joint Debtor

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY  
**Caption in Compliance with D.N.J. LBR 9004-1(b)**

792432  
PHELAN HALLINAN DIAMOND & JONES, PC  
400 Fellowship Road, Suite 100  
Mt. Laurel, NJ 08054  
856-813-5500  
Attorneys for U.S. BANK TRUST, N.A., AS  
TRUSTEE FOR LSF9 MASTER PARTICIPATION  
TRUST

In Re:

RICKEY L. CRUMBLEY

Case No: 17-13268 - JKS

Hearing Date: \_\_\_\_\_

Judge: JOHN K. SHERWOOD

Chapter: 13

**CERTIFICATION OF SERVICE**

1. I, Colleen T. Mangold:

☐ represent the \_\_\_\_\_ in the above-captioned matter.

☒ am the secretary/paralegal for Phelan Hallinan Diamond & Jones, PC, who represents U.S. BANK TRUST, N.A., AS TRUSTEE FOR LSF9 MASTER PARTICIPATION TRUST in the above captioned matter.

☐ am the \_\_\_\_\_ in the above case and am representing myself.

2. On May 16, 2017 I sent a copy of the following pleadings and/or documents to the parties listed below:

Objection to Plan

3. I hereby certify under penalty of perjury that the above documents were sent using the mode of service indicated.

Dated: May 16, 2017

/s/ Colleen T. Mangold  
Colleen T. Mangold

Name and Address of Party Served	Relationship of Party to the Case	Mode of Service
RICKEY L. CRUMBLEY 121 SOUTH 14TH STREET, NEWARK, NJ 07107	Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
	Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
RUSSELL L. LOW, Esquire 505 MAIN STREET SUITE 304 HACKENSACK, NJ 07601	Debtor's Attorney	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
MARIE-ANN GREENBERG, Trustee 30 TWO BRIDGES ROAD, SUITE 330 FAIRFIELD, NJ 07004	Trustee	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular Mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)

\* May account for service by fax or other means as authorized by the court through the issuance of an Order Shortening Time.